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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No: NTK-005.01

In re Application of:

Midgely, et al.

Application No.: 09/465,436

Filed: December 16, 1999

For: Systems and Methods for Backing up Data Files



Group Art Unit: 2771

Examiner: Not Assigned

**CERTIFICATE OF FIRST CLASS MAILING (37 CFR 1.8(A))**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231 on the date set forth below.

1 September, 2000By: Eugene CokerDate of Signature  
and of Mail Deposit

Eugene Coker

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Dear Sir/Madam:

Responsive to the Notice To File Missing Parts of Application dated February 1, 2000 (copy enclosed) Applicants' attorney submits herewith an executed Declaration For Patent Application and a check in the amount of \$2,740.00 to cover the filing fee of \$760.00, the surcharge fee of \$130.00 and \$1,850.00 for the five-month extension of time for the above-identified application as a large entity.

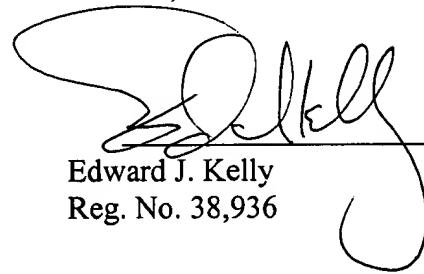
APPLN. NO. AXELLEY 00000024 09465436

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65.00 CH345.00 CH  
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We believe that we have appropriately provided for fees due in connection with this submission, however, if there are any other fees due in connection with the filing of this Response, please charge the fees to our **Deposit Account No. 06-1448**.

Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at (617) 832-1000.

Respectfully submitted,  
FOLEY, HOAG & ELIOT LLP



Edward J. Kelly  
Reg. No. 38,936

Dated: 1 September, 2000  
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EJK/cmm  
Enclosures

## UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NO./TITLE

09/165,436

12/16/99

MIDGLEY

C NTR-005.01

PATENT GROUP  
FOLEY HOAG & ELIGIT LLP  
ONE POST OFFICE SQUARE  
BOSTON MA 02109-2170024270201  
Res p to MP  
4-1-00  
Q-1-CD

NOT ASSIGNED

2771

DATE MAILED:

02/01/00

NOTICE TO FILE MISSING PARTS OF APPLICATION  
*Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of  \$65.00 for a small entity in compliance with 37 CFR 1.27, or  \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  small entity (statement filed)  non-small entity is \$ 890.00.

1. The statutory basic filing fee is:

missing.  
 insufficient.

Applicant must submit \$ 700.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. The following additional claims fees are due:

\$ \_\_\_\_\_ for \_\_\_\_\_ total claims over 20.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

is missing or unsigned.  
 does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.23(b)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application; the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

*DWY Rains*  
A copy of this notice MUST be returned with the reply.

Customer Service Center  
Initial Patent Examination Division (703) 308-1202